

REMARKS

Claims 1-26 are pending, of which claims 1 and 10 are independent method claims, and claim 20 is an independent computer program product claim corresponding to independent method claim 1.

The Office Action rejected each of the pending independent claims (1, 10, and 20) under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,643,355 to Tsumpes ("*Tsumpes*") in view of U.S. Patent No. 6,804,707 to Ronning ("*Ronning*") and U.S. Patent No. 5,326,027 to Sulfstede ("*Sulfstede*"); and rejected the remaining dependent claims under 35 U.S.C. § 103(a) as being unpatentable over *Tsumpes* in view *Ronning*, *Sulfstede*, U.S. Patent No. 6,697,849 to Carlson ("*Carlson*"), U.S. Patent No. 6,076,114 to Wesley ("*Wesley*"), and/or U.S. Patent No. 5,703,929 to Schillaci et al. ("*Schillaci*").¹

Applicants' invention, as claimed for example in independent method claim 1, relates to efficiently notifying the client system of the occurrence of a monitored event, so as to provide notification in a manner preserving the processing capacity of the server system and the client system, and preserving bandwidth on the network system. The method includes the client system sending a request to the server system, wherein the request is that the server system transmit a packet of data to the client system using a connectionless protocol, the client system attempting to receive a packet of data from the server system, wherein the packet of data is sent using a connectionless protocol, the client system requesting that notifications be sent using the connectionless protocol, if the attempt to receive the packet of data is successful, and the client system requesting that notifications be sent using a connection-oriented protocol, if the attempt to receive the packet of data is not successful. Independent claim 20 recites similar limitations from the perspective of a computer program product.

Applicants' invention as claimed for example in independent method claim 10, relates to determining if notification from the server system to the client system is viable, using a connectionless protocol, so as to provide notification in a manner preserving the processing capacity of the server system and the client system, and preserving bandwidth on the network system. The method includes a step for the client system to determine if communication can be

¹Although the prior art status of the cited art is not being challenged at this time, Applicants reserve the right to do so in the future. Accordingly, any arguments and amendments made herein should not be construed as acquiescing to any prior art status or asserted teachings of the cited art.

received from the server system using the connectionless protocol, the client system requesting that notifications be sent using the connectionless protocol, if the attempt to receive communication is successful, and the client system requesting that notifications be sent using a connection-oriented protocol, if the attempt to receive communication is not successful.

In order to establish a *prima facie* case of obviousness, "there must be some suggestion or motivation . . . to combine reference teachings" and "the prior art reference (or references when combined) must teach or suggest all the claim limitations." MPEP § 2143 (emphasis added). During examination, the pending claims are given their broadest reasonable interpretation, i.e., they are interpreted as broadly as their terms reasonably allow, consistent with the specification. MPEP §§ 2111 & 2111.01.

Tsumpes relates to alarm and event notification systems. Col. 1, ll. 14-23; Figure 1. One of the problems with conventional monitoring stations is that only one employee is responsible for processing an event and the subscriber has no direct control over how the event is handled. Col. 2, ll. 6-12. Thus, on many occasions, due to the manual nature of processing calls (i.e., calls to notify a subscriber of an event) one at a time, vital minutes lapse between when an actual breach or emergency occurs and the subscribers and/or authorities are notified. Col. 2, ll. 12-16.

To address this shortcoming, *Tsumpes* provides an automated and redundant subscriber contact and event notification system. Col. 2, ll. 33-40. Subscribers select and enter information regarding the number of persons to be notified and a list of telephone numbers and notification channels to be notified in relation to a particular event, including telephone numbers, mobile telephone numbers, pager numbers, fax numbers, voice mail numbers, email addresses, steps to be taken, hours of operation, etc. Col. 6, ll. 10-23. The parallel and redundant calling of plural numbers and contact and notification over plural communication channels insures that the subscriber or an authorized person will be contacted quickly even in the event one of the communication channels may be rendered inoperative or any one of a subscriber contact persons be unavailable. Col. 8, ll. 25-30.

Ronning discloses a method and system for pushing information to personal computing and communication devices operated by users in such a way that the users can use and/or act upon the information even when the users are off-network or off-line. Col. 1, ll. 49-53. For example, communication equipment and computer programs automatically push dispatch information from senders, such as a trucking or service company, to recipients, such as truck

operators or other employees, request acknowledgement from the recipients, and then transmit task status information from the recipients back to the senders. Col. 4, ll. 40-51.

Sulfstede relates to automatic configuration of an air conditioning controller. Abstract. In providing background, *Sulfstede* indicates that it would be desirable to allow a consumer to automatically upgrade from a wired remote controller to a wireless remote controller without the necessity of a house call by an expert installer, and that it would be desirable to allow a consumer to automatically downgrade from a wireless remote controller to a wired remote controller, should the wireless remote controller fail. Col. 1, ll. 22-29.

The Office Action acknowledges that *Tsumpes* fails to disclose using a connectionless protocol, if an attempt to receive a packet of data using the connectionless protocol is successful, and using a connection-oriented protocol, if the attempt to receive the packet of data using the connectionless protocol is unsuccessful. Office Action, p. 3 (rejection of claim 1). In rejecting claim 1, however, the Office Action asserts that the above cited passages from *Ronning* and *Sulfstede* disclose these limitations, and that it would have been obvious to incorporate the teachings of *Ronning* and *Sulfstede* into *Tsumpes*' event notification system in order to be cost effective and limit redundant communication. Applicants respectfully disagree.

First, even assuming for the sake of argument that it is proper to combine *Tsumpes*, *Ronning*, and *Sulfstede*, the cited portions of these references do not disclose requesting that notifications be sent using a connectionless protocol, if an attempt to receive a packet of data using the connectionless protocol is successful, and requesting that notifications be sent using a connection-oriented protocol, if the attempt to receive the packet of data using the connectionless protocol is unsuccessful, as recited in each of the pending independent claims.

The Office Action asserts that *Ronning* discloses sending a data packet to a wireless recipient, requesting acknowledgement from the recipient, and then transmitting task status information to the senders. Office Action, p. 3 (rejection of claims 1). Presumably, the Examiner's analysis is that the acknowledgement request corresponds to a connection-oriented protocol. Based on this reasoning, however, *Ronning* discloses the sender communicating with the recipient using a connection-oriented protocol, without ever determining if the data can be sent successfully using a connectionless protocol. In contrast, as indicated above, Applicants' claimed invention requests that notifications be sent using a connectionless protocol, if an attempt to receive a packet of data using the connectionless protocol is successful, and requests

that notifications be sent using a connection-oriented protocol, if the attempt to receive the packet of data using the connectionless protocol is unsuccessful.

Furthermore, the Office Action asserts that *Sulfstede* discloses a system controller that allows consumers to automatically change from a wireless remote air conditioner controller to a wired remote air conditioner controller should the wireless remote controller fail. Office Action, p. 3 (rejection of claims 1). However, reading other portions of *Sulfstede* not cited in the Office Action clarifies that the air conditioner's system controller expects input from the wired remote controller if it is connected, and otherwise expects input from the wireless remote controller. Abstract; col. 2, ll. 25-31, 42-47, 49-60; col. 4, ll. 22-68; Fig. 4. Communication failure does not appear to be a consideration.

Accordingly, *Sulfstede* relates to whether a wired remote controller is physically connected to an air conditioning system—not whether an attempt to receive a packet of data using a connectionless protocol is successful. Again, by way of contrast and as indicated above, Applicants' claimed invention requests that notifications be sent using a connectionless protocol, if an attempt to receive a packet of data using the connectionless protocol is successful, and requests that notifications be sent using a connection-oriented protocol, if the attempt to receive the packet of data using the connectionless protocol is unsuccessful. Applicants also note that whether communication is wireless or wired has no bearing on whether the corresponding communication protocol is connection-oriented or connectionless.

Therefore, among other things and in connection with the other recited claim limitations, *Tsumpes*, *Ronning*, and *Sulfstede* fail to teach or suggest requesting that notifications be sent using a connectionless protocol, if an attempt to receive a packet of data using a connectionless protocol is successful, and requesting that notifications be sent using a connection-oriented protocol, if the attempt to receive the packet of data is not successful.

Applicants also respectfully submit that the Office Action's motivation for combining *Tsumpes*, *Ronning*, and *Sulfstede* is logically inconsistent, and therefore the Office Action fails to establish a *prima facie* case of obviousness. In particular, the Office Action asserts that it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of acknowledgement from wireless recipients taught by *Ronning*, and automatically changing a remote controller from wireless to wired in the event of failure as taught by *Sulfstede*, with an automated parallel and redundant subscriber contact in an event

notification system as taught by *Tsumpes* to be cost effective and limit redundant communication.

It seems clear, however, that redundant communication and the corresponding increase in cost are vital aspects of *Tsumpes*, and that reducing redundancy and corresponding costs are contrary to its teachings—getting fire or alarm notifications to a responsible party appears to be paramount. Abstract; col. 2, ll. 12-49; col. 8, ll. 25-33; Fig. 4. Furthermore, requesting an acknowledgement, as disclosed in *Ronning*, increases demands on communication resources, and presumably costs as well, rather than limiting them. *Sulfstede*'s automatic changing of a remote controller from wireless to wired seems irrelevant to the question of redundant communication, and contrary to *Ronning* and *Tsumpes* perspective on costs. Accordingly, to Applicants, it is unclear how the combination accomplishes the desired motivation asserted in the Office Action. Applicants respectfully submit therefore, that the Office Action fails to establish a *prima facie* case of obviousness because the Office Action fails to provide a logically consistent suggestion or motivation to combine reference teachings. Moreover, the motivation asserted in the Office Action actually demonstrates that the references teach away from their combination, teach away from the invention, and/or when combined, are rendered unsatisfactory for their intended purpose. MPEP § 2145(X)(C)-(D).

Based on at least the foregoing reasons, therefore, Applicants respectfully submit that the cited prior art fails to anticipate or make obvious Applicants invention, as claimed for example, in independent claims 1, 10, and 20. Applicants note for the record that the remarks above render the remaining rejections of record for the independent and dependent claims moot, and thus addressing individual rejections or assertion with respect to the teachings of the cited art is unnecessary at the present time, but may be undertaken in the future if necessary or desirable, and Applicants reserve the right to do so.

In the event that the Examiner finds any remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney.

Dated this 30th day of March, 2005.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Eric M. Kamerath", written over a horizontal dashed line.

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